

REMARKS

We are in receipt of the Office Action dated February 7, 2007, and the following remarks are made in light thereof.

Claims 1-13 are pending in the application, with claims 2, 3 and 5-11 having been withdrawn from consideration pursuant to an election of species dated September 22, 2006 and received by the USPTO on September 29, 2006.


Pursuant to the present Office Action, claims 1, 4, 12 and 13 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-9 of U.S. Patent No. 6,770,306 in view of Sobel et al. (American Journal of Obstetrics and Gynecology, 1995, vol. 172, pp. 1263-8).

In response, Applicant is submitting a Terminal Disclaimer with respect to U.S. Patent No. 6,770,306. Accordingly, Applicant believes that claims 1, 4, 12 and 13 are not allowable.

Each of the withdrawn claims 2, 3, and 5-11 is dependent either directly or indirectly from independent claim 1, which is the only generic claim in the application. Since claim 1 is now allowable, Applicant requests consideration of the withdrawn claims, as provided for by 37 CFR 1.141(a). Applicant submits that each of the

withdrawn claims is also allowable. Accordingly, Applicants request reconsideration and allowance of the application.

Respectfully submitted,


Stephen B. Heller
Registration No. 30,181

COOK, ALEX, MCFARRON, MANZO,
CUMMINGS & MEHLER, LTD.
200 West Adams Street - Suite 2850
Chicago, IL 60606
(312)236-8500